Mr. Parambi Lonappen *(Minister for Revenue)*: The Minister for Revenue.

Mr. President: Time?

Mr. Parambi Lonappen (*Minister for Revenue*): At the most, two months.

Motion, put and carried.

10. The Cochin Rubber (Production and Marketing) Bill

Mr. Parambi Lonappen *(Minister for Revenue):* I move that the Cochin Rubber (Production and Marketing) Bill be read in Council.

Rao Bahadur T. K. Nayar *(Prime Minister):* I second it.

*Mr. Parambi Lonappen *(Minister for Revenue):* The Indian Dominion after holding a conference in which all interests of rubber industry in India were represented have decided to set up a statutory organisation to look after the interests of the rubber producers of India. The function of the board constituted under the Act is to advise Government on imports and exports of rubber, promote efficient marketing of Indian Rubber, recommend fair prices, promote research and do such things as may be necessary for the development of Industry. The Government of India have asked this Government to collaborate with them and this Government have agreed. The Bill is on the lines of the one enacted in Travancore.

Mr. P. Govinda Menon *(Ernakulam):* In the conference referred to in the Statements of Objects and Reasons, Sir, was Cochin represented?

Mr. Parambi Lonappen *(Minister for Revenue):* No.

Motion put and carried.

Secretary to the Council: The title of the*Bill is The Cochin Rubber (Production and Marketing) Bill.

Mr. Parambi Lonappen *(Minister for Revenue):* I request that Standing Order 32 may be suspended.

Mr. President: Standing Order 32 is suspended.

Mr. Parambi Lonappen *(Minister for Revenue):* I move that the Bill be taken into consideration.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I second it.

Motion put and carried.

Clauses 2 to 24 put and carried

Clause 1 put and carried

Title and preamble put and carried.

Mr. Parambi Lonappen *(Minister for Revenue):* I move that the Bill may be taken up and finally passed at the next meeting of this Legislative Session.

Motion put and carried.

11. The Cochin Penal Code (Amendment) Bill

Mr. P. Raman Menon *(Advocate-General):* I move that the Cochin Penal Code (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I second it.

Mr. P. Govinda Menon *(Ernakulam):* May I request the Government to give us a very clear account in detail about the various provisions proposed in this Bill.

Mr. P. Raman Menon *(Advocate-General):* The immediate provocation for this amendment was the abolition of the capital punishment.

Mr. P. Kumaran Ezhuthassan *(Vadakkanheri):* May I know when that notable event took place? About what year?

Mr. P. Raman Menon *(Advocate-General):* It was in the year 1120.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Much earlier. I know the date. It was the birthday boon of one Maharaja.

Mr. P. Raman Menon *(Advocate-General):* I am told so. I may say that you are wrong and I am right.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* You have given me an incorrect answer and still you are saying that you are right.

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*Speech not corrected by the Hon'ble Member.

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2. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "antiquity" includes—

(*i*) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(*ii*) any article, object or thing detached from a building or cave,

(*iii*) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages.

(*iv*) any article, object or thing declared by Government by notification in the Cochin Government Gazette to be an antiquity for the purposes of this Act,—which has been in existence for not less than one hundred years;

(*b*) "export" means export from Cochin State by sea, land or air.

3. *Prohibition of export.*—No person shall export any antiquity except under the authority of a license granted by Government.

4. *Application of Act XII of 1109.*—All antiquities the export of which is prohibited under section 3 shall be deemed to be goods of which the export has been prohibited under section 18 of the Cochin Sea Customs Act, XII of 1109, and all the provisions of that Act shall have effect accordingly, except that, the provisions of section 182 of that Act notwithstanding any confiscation authorised under that Act shall be made, unless Government, on application to them in such behalf, otherwise direct.

5. *Penalty and procedure.*—(1) If any person exports or attempts to export an antiquity in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Cochin Sea Customs Act, XII of 1109, as applied by section 4, be punishable with imprisonment for a term which may extend to one month, or with fine which way extend to five thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this section except upon complaint in writing made by an officer generally or specially authorised in this behalf by Government, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

6. *Power to determine whether or not an article is an antiquity.*—If any question arises whether any article, object or thing is or is not an antiquity for the purposes of this Act, it shall be referred to the Government Archaeologist, and his decision thereon shall be final.

7. *Power to make rules.*—(1) Government may, by notification in the Cochin Government Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for granting licences for the export of antiquities, and fix the fees payable on applications therefor,

8. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

9. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Ancient Monuments Preservation Act, XI of 1110, or any other law for the time being in force.

Statement of objects and Reasons

The Indian Dominion has recently introduced a measure with a view to prevent the free flow out of the country of valuable objects of antiquarian or historical interest. It is considered necessary to enact a similar measure in this State also. Hence the Bill.

APPENDIX IX

THE COCHIN RUBBER (PRODUCTION AND MARKETING) BILL

Preamble.—Whereas it is expendient to provide for the development under Government control of the rubber industry so far as regards the production and marketing of rubber, and for

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regulating the export from, and the import into, Cochin of rubber; It is hereby enacted as follows:—

1. (1) *Short title, extent and commencement.*—This Act may be called the Cochin Rubber (Production and Marketing) Act, of 112 .

(2) It extends to the whole of Cochin State.

(3) It shall come into force on such date as Government may, by notification in the Cochin Government Gazette, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Board" means the Indian Rubber Board constituted by the Government of India and notified by Government in the Cochin Government Gazette;

(*b*) "dealer" means any person who deals in rubber, whether wholesale or retail, or holds stocks of rubber,and includes the representative or agent of a dealer;

(*c*) "estate" means any area administered as one unit which contains land planted with rubber plants;

(*d*) "export" and "import" mean respectively taking out of, and bringing into, Cochin by sea, land or air;

(*e*) "manufacturer" means any person engaged in the manufacture of any article in the making of which rubber is used;

(*f*) "owner" includes any agent of an owner and a mortgagee in possession and a lessee of an estate;

(*g*) "prescribed" means precribed by rules made under this Act;

(*h*) "rubber" means.—

(*i*) crude rubber, that is to say rubber prepared from the leaves, bark or latex of any rubber plant;

(*ii*) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected; during the process of conversion into rubber;

(*iii*) latex (dry rubber content) in any state of concentration; and includes scrap rubber, sheet rubber, rubber in powder and all forms and varieties of crepe rubber, but does not include rubber contained in any manufactured article;

(*i*) "Rubber Price Advisory Committee" means the Committee constituted by the Board;

(*j*) "rubber plant" includes plants, trees, shrubs or vines of any of the following.—

(*i*) Hevea Braziliensis (Para Rubber),

(*ii*) Manihot Glaziolii (ceara rubber),

(*iii*) Castilloa elastica,

(*iv*) Ficus elastica (Rambong), and

(*v*) Any other plant which Government may, by notification in the Cochin Government Gazette declare to be rubber plant for the purposes of this Act.

3. (1) *Functions of the Board.*—It shall be the duty of the Board to promote by such measures as it thinks fit the development of the rubber industry so far as regards the production and marketing of rubber.

(2) Without prejudic to the generality of the foregoing provision, the measures referred to therein may provide for—

(*a*) undertaking, assisting or encouraging scientific technological and economic resecarch;

(*b*) training students in improved methods of planting cultivation, manuring and spraying;

(*c*) the supply of technical advice to rubber growers;

(*d*) improving the marketing of rubber;

(*e*) the collection of satistics from owners of estates, dealers and manufacturers.

(3) It shall also be the duty of the Board.—

(*a*) to advise Government on all matters relating to the development of the rubber industry, including import and export of rubber;

(*b*) to advise Government with regard to participation in any International Conference or scheme relating to rubber;

(*c*) to submit to Government and such other authorities as may be prescribed half-yearly reports on its activities and the working of this Act;

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(*d*) to prepare and furnish such other reports relating to the rubber industry as may be required by Government from time to time.

4. *Funds of the Board*—The funds of the Board shall be kept in such bank, or invested in such manner as may be prescribed, and shall be expended by the Board only in the performance of its functions under this Act or for meeting such expenses as are authorised by this Act or by the rules made thereunder.

5. *Registration* (1)Every person owning land planted with rubber plants, whether such land is comprised in one estate or in more than one estate and whether it is situated wholly or only partly in Cochin, shall, before the expiry of one month from the date of commencement of this Act, apply to the Board to be registered as an owner in respect of each estate owned by him.

(2) A registration once made shall continue in force until it is cancelled by the Board.

6. *Power to prohibit or control imports and exports of rubber*—(1) Government may, after cosulting the Board, by order published in the Cochin Government Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of rubber, either generally or in specified classes of cases.

(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has has been prohibited or restricted under section 18 of the Cochin Sea Customs Act, XII of 1109, and all the provisions of that Act shall have effect accordingly, except that section 182 thereof shall have effect as if for the word "shall" therein" the word "may" were substituted.

(3) If any person contravences any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Cochin Sea Customs Act, XII of 1109, as applied by subsection (2), be punishable with imprisonment for a term which may extend to one year or with fine or with both.

7. *Imposition of rubber cess.*—(1) With effect from such dated as may be notified by Government in this behalf, there shall be levied and collected as a cess for the purposes of this Act a duty of excise on all rubber produced in Cochin at such rate as Government may on the recommendation of the Board by the same or a like notification, from time to time fix.

(2) The said duty of excise shall be payable by the owner of the estate on which the rubber is produced and shall be paid by him to the Board within one month from the date on which he receives a notice of demand therefore from the Board.

(3) The said duty of excise may be recovered as if it were an arrear of land revenue.

(4) For the purpose of enabling the Board to asses the amount of the duty of excise payable by the owner of an estate under this section—

(*a*) the Board shall, by notification in the Cochin Government Gazette, fix the period in respect of which assessments shall be made, and

(*b*) without prejudice to the provisions of section 15, every owner of an estate shall furnish to the Board a return stating the total amount of rubber produced on the estate in each such period, not later than fifteen days after the expiry of the period to which the return relates:

Provided that, in respect of an estate situated only partly in Cochin, the owner shall, in the said return, show separately the amounts rubber produced within and outside Cochin.

(5) If any owner of an estate fails to furnish in due time the return referred to in sub-section (4) or furnishes a return which the Board has reason to believe is incorrect or defective, the Board may assess the amount payable by that owner in such manner as may be prescribed.

(6) Any owner of an estate aggrieved by an assessment made under this section may, within three months of the service of the notice under Sub-section (2), apply to the Dirict Judge for the cancellation or modification of the assessment, and the District Judge shall, after giving the Broad an opportunity of being heard, pass such order (which shall be final), as he thinks proper.

8. *Power to fix maximum and minimum prices for sale of rubber.*—(1) Government may, after consulting the Rubber Price Advisory Committee by the order published in the Cochin Government Gazette, fix the maximum price or the minimum price or the maximum and

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minimum prices to be charged, in the course of a business of any class specified in the order, for rubber of any description so specified.

(2) Any such order may fix different maximum or minimum prices to be charged in the course of business or different classes for the same description of rubber.

(3) If any person buys or sells, or agrees to buy or sell, rubber at a price which is more than the maximun price, or less than the minimum price, fixed under sub-section (1) in that behalf, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

9. *Licensing of transaction in rubber.* No person shall sell or otherwise dispose of and no person shall buy or otherwise acquire, rubber except under and in accordance with the terms of a general or special licence issued by the Board.

Provided that nothing in this section shall apply to the sale by any peron of rubber produced in an estate of which he is a registered owner.

10. (1) *Provisions regarding licences under section 9.*—Every general licence issued under section 9 shall be published by the Board in the Cochin Government Gazette and in such newspapers as the Board may direct.

(2) A special licence issued under section 9 shall be valid only for such period as may be specified therein:

Provided that the Board may, from time to time, extend the period of validity of any such licence.

(3) The Board may, at any time, for reasons to be recorded by it in writing, revoke a special licence granted under section 9, and on such revocation, it shall be returned to the Board by the person to whom it was issued.

(4) No application for a special licence made by a person who was carryiny on business as a dealer or manufacturer immediately before the commencement of this Act, shall be recorded by the Board except for special reasons to be recorded in writing.

11. (1) *Restriction on possession of rubber.*—No person not being the owner or occupant of an estate or a person who has acquired rubber under a general or special licence issued by the Board under section 9, shall have any rubber in his possession.

(2) Any court trying a contravention of sub-section (1), may without prejudice to the provisions of section 21, direct that any rubber in respect of which the court is satisfied that such contravention has been committed, shall be forfeited to Government.

12. *Licences for planting or replanting.*—(1) No person shall plant or replant rubber except under and in accordance with the condition of a special licence issued by the Board.

(2) A licence issued under this section shall specify the area in which rubber may be planted or replanted and the period for which licence shall be valid.

(3) No licence issued under this section shall be transferable except with land to which it relates.

13. *Report to be submitted by licensees.*—(1) Every holder of licence issued under section 12 shall, at such time as the Board may require, furnish to it a report specifying the areas newly planted or replanted during the period to which the report relates and containing such other particulars as may be required by the Board.

(2) The Board may revoke any licence issued under section 12, if it is satisfied that the licence was obtained by misrepresentation or fraud or if the licensee contravenes any of the terms of the licence or if the licensee fails to submit the report report referred to in sub-section (1).

14. *Fees for special licences.*—The Board may levy such fees as may be prescribed for the issue and renewal of special licences under section 9, section 10, or section 12.

15. *Submission of returns and maintenance of accounts.*—Subject to such exceptions. as may be, preseribed every owner, every manufacturer, and every holder of a special licence issued under section 9 not being an owner or a manufacturer, shall—

(*a*) submit to the Board such returns at such times, in such form, and containing such praticulars, as may be prescribed;

(*b*) maintain true and correct accounts and other records pertaining to his estate or business, as the case may be, in such form as may be prescribed;

(*c*) permit any officer authorised by the Board in this behalf to inspect the accounts and records referred to in clause (*b*).

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16. *Inspection land and premises.*—Any Officer authorised by the Board in this behalf may, at any reasonable time, inspect any place storage of rubber, any estate, any place of business of a dealer or any factory or other premises of a manufacturer, for the purpose of verifying any statement or return submitted under this act or for any other purposes of this Act.

17. *Control by Government.*—(1) All acts of the Board shall be subject to the control of Government which may cancel, suspend or modify as it thinks fit any action taken by the Board.

(2) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by Government.

18. *Appeal.*—Any person aggrieved by an order of the Board refusing to issue or renew or revoking, a special licence under the provisions of section 9, section 10 or section 12 may, within sixty days of the making of the order and on payment of the prescribed fee, appeal to Government, and the decision of Government thereon, and subject only to such decision the order of the Board, shall be final and shall not be called in question in any court.

19. *Accounts of the Board.*—(1) The Board shall keep such accounts, in such manner and in such form as may be prescribed, of all moneys received and expended by it.

(2) The Board shall cause the accounts to be audited annually by auditors appointed by Government, and the auditors shall have the power to disallow any item of expenditure which in their opinion has not been properly incurred under this Act.

(3) Government may, on the application of the Board. allow any item of expenditure disallowed by the auditors under sub-section (2).

20. *Power of Government to make rules.*—(1) Government may, by notification in the Cochin Government Government Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely.—

(*a*) the maintenance by the Board of records of business transacted and the submission of copies thereof to Government;

(*b*) the purposes for which funds of the Board may be expended;

(*c*) the maintenance of accounts of income and expenditure of the Board and the audit of such accounts;

(*d*) the preparation of the annual estimates of income and expenditure of the Board;

(*e*) the deposit of funds of the Board in banks and the ivestment of such funds;

(*f*) the registers, and other records to be maintained by the Board;

(*g*) the form of application for registration under section 5 or the cancellation of such registration, the fee payable on such applications the procedure to be followed in granting or cancelling registration and the registers to be kept by the Board;

(*h*) the form of application for special licenses under section 9 or section 12, the fees for the grant or renewal of such licences, and the forms of such licences ;

(*i*) the manner in which rubber shall be graded and marketed;

(*j*) the fee payable on appeals under section 18;

(*k*) any other matter which is to be or may be prescribed under this Act.

21. *Penalties.*—If any person—

(*a*) contravenes any provision of this Act, other than section 6 or section 8, or any rule made under this act, or

(*b*) in any report or return to be furnished under this Act makes any statement which is false and which he knows to be false or does not believe to be true, or

(*c*) obstructs any officer of the Board in the discharge of any duty imposed on or entrusted to him by or under this Act, or

(*d*) having the control or custody of any account book or other record, fails to produce such book or record when required by any authorised officer to do so, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

22. *Procedure for prosecutions*—No prosecution for any offence punishable under this Act shall be instituted except by or with the consent of Government or the Board.

23. *Bar of legal proceedings.*—No suit, prosecution or other legal proceedings shall lie against the Board or any officer of the Board for anything in good faith done or intended to be done under this Act.

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24. *Temporary Powers of Government.* Until such time as the Board is notified under section 2 (*a*) Government may, notwithstanding anything hereinbefore contained,—

(*a*) exercise any of the powers conferred by this Act upon the Board;

(*b*) exercise any of the powers conferred by section 6 or section 8 on Governmen without consulting the Board, or as the case may be, the Rubber Price Advisory Committee.

Statement of Objects and Reasons

In pursuance of the recommendation made by a conference representing all interests of Rubber Industry, Government of India have enacted the Rubber (Production and Marketing) Act, 1947, and have set up a statutory organisation to look after the interests of the rubber producers in India. The Board constituted under the Act is to advise Government on imports and exports of rubber, promote efficient marketing of Indian rubber, recommend fair prices, promote research and in short, do all such things as may be necessary for the development of the Rubber Industry.

It is necessary to collaborate with the Government of India in the scheme and the Bill is intended th make provision for similar matters and is on the lines of the enactment in force in Travancore.

APPENDIX X (*a*)

THE COCHIN PENAL CODE (AMENDMENT) BILL

Preamble.—WHEREAS it is necessary further to amend the Cochin Penal Code, I of 1059; It is hereby enacted as follows:—

1. *Short title and commencement.*—This Act may be called the Ccohin Penal Code (Amendment) Act of 112 , and it shall come into force at once.

2. *Insertion of a new section 46A.*—After section 46 of the Cochin Penal Code, I of 1059, hereinafter referred to as the Code, the following shall be inserted as section 46A, namely:—

"46A. *Harbour.*—Except in section 143, and in section 126 in the case in which the harbour is given by the wife or husband of the person harboured, the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting of a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension."

3. *Insertion of a new section 49A.*—After section 49 of the Code, the following section shall be inserted, namely:—

"49A. *Saving of His Highness' prerogative.*—Nothing in section 48 or secton 49 shall derogate from the right of His Highness the Maharaja to grant pardons, reprieves, respites or remissions of punishment."

4. *Amendment of section 69.*—In clause (*a*) of section 69, after the figures and letter "139A", the following figures shall be inserted, namely:—

"281, 285, 376".

5. *Insertion of a new Chapter VA.*—After Chapter V of the Code, the following new Chapter shall be inserted, namely:—

"CHAPTER VA

CRIMINAL CONSPIRACY

115A. *Definition of criminal conspiracy.*—When two or more persons agree to do or cause to be done,—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy;

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